

Randolph A. Reese  
Special Programs Examiner  
Patent Technology Center 3600  
United States Patent and Trademark Office  
Commissioner of Patents and Trademarks  
Washington DC 20231

Paul Kaskiewicz  
P O Box 822  
Princeton Jct., NJ 08550

11 August 2003

Faxed to 703 605 0586 on 12 August 2003

Subject: Key Facts Omitted from the Ref.-2 Letter Dated 12 June 2003

References:

1. Application of  
Albert Wu et al.  
Application Number 09/673,559  
Filed: February 22, 2001  
For: SPACECRAFT SHADING DEVICE
2. Letter from USPTO dated June 12, 2003.

3643  
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Coker  
9-17-03  
**RECEIVED**  
AUG 25 2003  
**GROUP 3600**

Dear Mr. Reese,

On 11 July 2003, we faxed the Enclosure-1 letter to the USPTO as an interim response to the Ref.-2 letter.

The current letter is the substantial response that we promised in the Enclosure-1 letter. Unfortunately, we could not respond sooner because I, the representative for the Applicants, was out of the USA on emergency Family Medical Leave of Absence from 28 May 2003 through 18 July 2003. In June, Mr. Ken Dorner, USPTO, substituting for you during your vacation, informed us that we had at least 2 (two) months to respond to you after receiving the Ref.-2 letter.

Items and records already received and acknowledged by the USPTO prove certain key facts that are not mentioned in the Ref.-2 letter.

Consequently, we now write in further support of our Petition to Withdraw Holding of Abandonment to draw attention to the following facts, which add to the facts already explicitly stated in our Petition to Withdraw Holding of Abandonment.

Also, in order to facilitate a reading of the current letter, we are providing in Enclosure 8 a chronological list of events.

"Tie-in" between Certified Mail Domestic Return Receipt and Contents of Submission;  
and Evidence as to What Was Submitted

The Ref.-2 letter wrongly states

- i. "...there is no "tie-in between the receipt and the contents of the submission.";
- ii. "...there is no evidence as to what was submitted.".

iii. "Therefore, the application is properly held as being abandoned."

In fact:

1. Enclosure 2 shows that our mailing of 15 June 2002 was addressed directly to Mr. Timothy D. Collins, the Examiner for Application No. 09/673,559 at the USPTO.

Clearly, by definition the package that the USPTO received from us (on 24 June 2002) plus its contents constituted a response from us to the Examiner.

Additionally, please note that on page 6 of the non-final Office action mailed to us on 16 January 2002, Mr. Collins invited us to respond to him directly. Hence we addressed the package explicitly to Mr. Collins as invited, thereby marking the package to be delivered directly to him after being logged in by the Receiving Department, USPTO.

Furthermore, the fact that the USPTO deposited our check No. 907097 that was also included in the package (see the discussion in Item 5, following) proves that instead of being sent to Mr. Collins, the package first went to Miss Carolyn Cofer, Legal Estimate Examiner, USPTO, who informed me thus by telephone on 2 July 2002 - as we stated in our Petition to Withdraw Holding of Abandonment.

For fuller background/context, please note, also, that Mr. Collins and I had several extensive phone conversations between the time we, the applicants, received the non-final Office action and the time we mailed our "response to the Examiner". In those conversations, Mr. Collins and I clarified issues and settled content required in the "response to the Examiner" that I was preparing. In early June 2002 I told him we would be sending our "response to the Examiner" within a few days, i.e. within two months of the response due date - which, in fact, we did. The next time I called Mr. Collins was in September 2002 following our receipt of the abandonment notice mailed by the USPTO on 27 August 2002. Mr. Collins told me then that he had been very surprised in June 2002 not to have received our "response to the Examiner" within days of our last phone conversation in June, because he and I had worked so closely and consequently he knew that the content was settled and that we were ready to send our response to him in mid-June 2002.

2. The Ref.-2 letter states that the application file lacks any item or record of any item contained inside the package that the USPTO received from us on 24 June 2002.

However, taken together, Enclosures 2, 3, 4 and 5 plus certain items in the application file prove (a) another "tie-in" between the certified mail Domestic Return Receipt and the contents of the submission, (b) that the USPTO received our response to the Examiner on 24 June 2002, and (c) that the USPTO then "mis-filed" or lost our response to the Examiner.

Enclosure 2 shows that \$3.10 was the cost of the first-class postage for our 15 June 2002 mailing to the USPTO that the USPTO received on 24 June 2002. On 15 June 2002, Single-Piece First-Class Domestic Postage of \$3.10 corresponded to the USPS weight-range of 12 ounces to 13 ounces. (See Enclosure 3 for USPS Single-Piece First-Class Domestic Postage Rates effective on 15 June 2002. Also, see Enclosure 4 for calculation of the USPS First-Class Postage for our 15 July 2002 mailing to the USPTO.)

In comparison, please note that 12.1 ounces is the nominal weight of the basic material components (excepting ink) of the package that we mailed to the USPTO on 15 June 2002 containing our response to the Examiner dated 12 June 2002 - i.e. 12.1 ounces is the weight of 51 sheets of US-letter sized 20-lb. (basis weight) bond paper plus 9 (nine) card tab-dividers plus a spring clip plus ties plus a 10" x 13" envelope plus a check for extension of time to respond to the Examiner plus labels plus stamps. A breakdown of the 12.1-ounces weight is shown in Enclosure 5.

The weight of 12.1 ounces may be readily verified by comparison with certain of the contents of the application file. The weight of our 26 October 2002 mailing to the USPTO of our "Petition to Withdraw Holding of Abandonment" was close to 1 (one) ounce heavier than our 15 June 2002 mailing, as it comprised a replacement (duplicate) of our response to the Examiner dated 12 June 2002 plus a 2-page petition letter plus a 3-page "Enclosure 1" plus a 1-page "Enclosure 3". The weight of the additional 6 pages of US-letter sized 20-lb. (basis weight) bond paper is close to 1 (one) ounce.

The 12.1-ounces weight exactly matches the aforementioned USPS postage of \$3.10 for our 15 June 2002 mailing of our response to the Examiner.

Clearly, on 24 June 2002 (i.e. on the date stamped by the USPTO on the USPS Domestic Return Receipt from our 15 June 2002 mailing) the USPTO received a package from us that included a substantial document including at least 51 pages that weighed close to 11 ounces.

Furthermore, despite the USPTO having received from us a package weighing between 12 and 13 ounces on 24 June 2002, correspondents at the USPTO have informed us that the application file lacks not only any item but also any record of any item contained inside the package received by the USPTO on 24 June 2002, and in particular an item or items weighing close to 11 ounces.

Clearly, the USPTO "mis-filed" or lost the contents of the package that it received from us on 24 June 2002, including our response to the Examiner dated 12 June 2002.

Please note that our response to the Examiner dated 12 June 2002 is not a physically insubstantial or easily "mis-filed" or overlooked item. As well as weighing close to 11 ounces, it is 1/3" (one third of an inch) thick and is visually distinctive by virtue of its 9 (nine) card tab-dividers.

*Handwritten:*  
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HOWEVER  
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3. While the Ref.-2 letter states that the application file contains no record of the aforementioned Ms. Cofer having called me and left a voice message on 1 July 2002, the telephone call log in Enclosure 6 shows a record of the return call that I made at 8:49 am on the following day, 2 July 2002, to Ms. Cofer at her number 703 305 0246 at the USPTO. (The telephone call log was prepared by Pacific Bell and provided by Sandra Edwards, Manager, Communications Dept. at Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California, for my phone number 818 393 7179 at Jet Propulsion Laboratory.)

In her 10 (ten) minute long phone conversation with me on 2 July 2002, Ms. Cofer informed us that our check No. 907097 was \$55 in excess of the fee required for extension of time to respond to the Examiner as we had responded within 2 (two) months of the due date, and that accordingly we are due a \$55 refund. (Prior to 15 June 2002, I had been informed by the USPTO by phone that the fee for a 2 (two) month extension of time to respond was \$255.)

Ms. Cofer's call to me on 1 July 2002 and her conversation with me on 2 July 2002 confirmed that the USPTO did receive our response to the Examiner within two months of the due date – additional to the confirmation by the aforementioned USPS receipts.

4. The Ref.-2 letter appears to unfairly or illogically attempt to use lack of a phone call record in our application file (logging a call to us by the aforementioned Ms. Cofer) as evidence that she did not call us on 1 July 2002. However, Ms. Cofer stated to me last week that she does not make records in application files when she makes telephone calls to applicants.

If the Ref.-2 letter implies that it is USPTO procedure to log phone calls to applicants in their application files, then by her statement to me last week Ms. Cofer does not follow that USPTO procedure. In that case, we the applicants cannot be responsible for lack of a record, in the application file, of Ms. Cofer's phone call to me on 1 July 2002.

If, on the other hand, it is not USPTO procedure to log phone calls to applicants in their application files, then lack of a phone call record in our application file logging a call to us by Ms. Cofer cannot logically stand as evidence that she did not call us on 1 July 2002.

5. Our aforementioned mailing to the USPTO on 15 June 2002 included our check No. 907097 for \$255 for extension of time to respond to the Examiner. The USPTO received the check on 24 June 2002, and deposited it. The check cleared on 5 July 2002 - see Enclosure 7 with Enclosure 2 for details and proof.)

However, two weeks ago the aforementioned Ms. Cofer stated to me that our application file lacks any record of the check.

To facilitate comprehension of events, here is a brief reprise including other, relevant, related parts of our Petition to Withdraw Holding of Abandonment.

On 1 July 2002 Ms Cofer left me a voice message concerning the \$255 check. On 2 July 2002, I returned her call; and she then:

- a) informed me that she had in her hands the \$255 check together with our response to the Examiner dated 12 June 2002;
- b) positively identified for me the response to the Examiner by means of its date of 12 June 2002, and by its nine tab-dividers, and by its approximate thickness of 1/3 inch;
- c) stated that because we had responded to the Examiner within 2 months of the due date, the late fee would be only \$200, and that accordingly she would be refunding \$55 to us;
- d) that she would next forward our "response to the Examiner" (dated 12 June 2002) to the Examiner.

6. We understand from reports in the national press and other media, notably by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office himself, that due mainly to staffing problems and overload the USPTO has made many mistakes in the recent past. (For example, a few such reports are: "Reaffirming Intellectual Property in an Information Age", by James E. Rogan, Heritage Lecture #769, November 5, 2002; "A Bid to Overcome Patent Backlogs, New York Times, September 23, 2002, by Sabra Chartrand; and "Skilled examiners leave; patent quality in peril Research, idea protection may falter, some warn, as tech upstarts lure away workers, USA Today. Sep 11, 2000 [final edition], by Del Jones.)

Particularly in view of foregoing facts presented and discussed herein, "mis-filing" or loss by the USPTO of our response to the Examiner is consistent with such reports. "Mis-filing" or loss by the USPTO is the most reasonable explanation of the absence of our "response to the Examiner" (which was received by the USPTO on 24 June 2002) from the application file.

In our case, here is an example of a USPTO mistake. The USPTO erroneously sent our "Petition to Withdraw Holding of Abandonment" dated 24 October 2002" to "abandoned storage" without considering it. The petition was only retrieved from "abandoned storage" after I telephoned the USPTO to enquire why we had not received a response to the petition. In that case, I had to put in great effort before the USPTO representatives that spoke with me perceived the error.

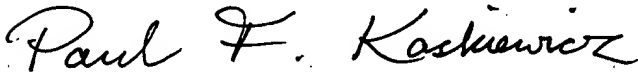
Here is another example. As discussed in Item 5 above and in Enclosure 7, according to a statement that the aforementioned Ms. Cofer made to me two weeks ago, our application file lacks any record of our check No. 907097 for \$255 despite the check's having been successfully deposited by the USPTO.

Here is an example of an avoidable difficulty caused in our case by either (a) lack of an appropriate USPTO procedure or (b) failure of the USPTO to follow a procedure. As noted in Item 4 above, according to another statement that Ms.

Cofer made to me two weeks ago, she does not add phone call records to application files when she makes phone calls to applicants.

In view of the foregoing evidence and discussions herein, we respectfully request that the Ref.-2 letter be reversed and our Petition to Withdraw Withholding of Abandonment be granted.

Sincerely yours,



Paul Kaskiewicz  
for the Applicants

Enclosures

1. Letter from us to USPTO, faxed to 703-308-6916 on 11 July 2003 (and erroneously dated 11 June 2003).
2. Photocopies of: (a) the USPS receipt dated 15 June 2002 for First-Class postage, Domestic Return Receipt, and certified mail; (b) the certified mail receipt; and (c) the Domestic Return Receipt - all from our mailing of our "response to the Examiner" dated 12 June 2002.
3. USPS Single-Piece First-Class Mail Rates effective on 15 June 2002.
4. Calculation of USPS First Class Postage for our 15 July 2002 mailing to the USPTO, which was received by the USPTO on 24 June 2002.
5. A breakdown of the nominal 12.1-ounce weight of our 15 July 2002 mailing to the USPTO that was received by the USPTO on 24 June 2002.
6. Section of telephone call log for calls made from telephone number 818 393 7179 of Mr. P. Kaskiewicz at Jet Propulsion Laboratory between 1 July 2002 and 9 July 2002. The telephone call log was prepared by Pacific Bell and provided by Sandra Edwards, Manager, Communications Dept., Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California.
7. Copies of note dated 4 August 2003 and photocopies of our check no. 907097 as faxed to Ms. Carolyn Cofer, Legal Estimate Examiner, at 703 305 7658 on 4 August 2003 and sent via USPS certified mail to same on 9 August 2003.
8. Chronological sequence of events.

Letter from us to USPTO, faxed to 703-308-6916 on 11 July 2003 (and erroneously dated 11 June 2003).

To attention of:  
OFFICE OF PETITIONS  
Commissioner of Patents and Trademarks  
Washington DC 20231

Paul Kaskiewicz  
P O Box 822  
Princeton Jct. NJ 08550

11 June 2003

Faxed to number: 703 308 6916

Cc: Turbosat Technology, Inc., Fax 609 275 6719

Subject: Acknowledgement of receipt of the referenced letter of denial of petition.

References:

1. Application of  
Albert Wu et al.  
Application Number 09/673,559  
Filed: February 22, 2001  
For: SPACECRAFT SHADING DEVICE
2. Letter from USPTO dated June 12, 2003.

Dear Sir or Madam,

As the designated representative for the above Ref. 1 application, I am writing to:

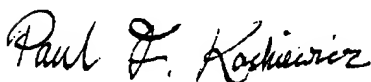
1. formally acknowledge receipt of the Ref. 2 letter of denial;
2. provide notification of our intent to send a detailed response to the Ref. 2 letter in the near future, explaining flaws in the denial and the reason the petition to withdraw withholding of abandonment should be approved.

We were unable to communicate the above to you earlier, as I have been out of the USA on emergency family leave of absence since the end of May 2003 to care for a seriously ill family member.

Currently, I am still out of the USA and plan to return from the leave of absence in approximately a week and to respond further to the Ref. 2 letter soon thereafter.

In the meantime, we have discussed the Ref. 2 letter with the USPTO several times by phone.

Sincerely yours,



Paul Kaskiewicz  
Designated Representative

Photocopies of: (a) the USPS receipt dated 15 June 2002 for First-Class postage, Domestic Return Receipt, and certified mail; (b) the certified mail receipt; and (c) the Domestic Return Receipt - all from our mailing of our "response to the Examiner" dated 12 June 2002.

7002 0510 0004 3017 1652

U.S. Postal Service		CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)			
<b>OFFICIAL USE</b>			
WASHINGTON DC 20231			
Postage	\$ 3.10	0860 07 Postmark Here	06/15/2002
Certified Fee	\$2.10		
Return Receipt Fee (Endorsement Required)	\$1.50		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 6.70		
Sent To MR. TIMOTHY D. COLLINS, USPTO EXAMINER US DEPT OF COMMERCE, US PATENT & TRADEMARK OFFICE Street, Apt. No., or PO Box No. COMMISSIONER OF PATENTS & TRADEMARKS City, State, ZIP+4 WASHINGTON DC 20231			
PS Form 3800, January 2001		See Reverse for Instructions	

SIERRA MADRE PO  
SIERRA MADRE, California  
910249998

06/15/2002 (626)836-3596 10:38:05 AM

Product Description	Qty	Unit Price	Final Price
WASHINGTON DC 20231			\$3.10
First-Class			
Return Receipt			\$1.50
Certified			\$2.10
Label Serial #:	70020510000430171652		
Issue PVI:			\$6.70
Total:			\$6.70

PAID BY:

Cash	\$10.00
Change Due:	-\$3.30

Total: \$6.70

Bill #: 1000500910343  
Clerk: 07

Refunds only per DMM P014  
Thank you for your business  
Customer Copy

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, enter delivery address below</p>
<p>1. Article Addressed to:</p> <p>MR TIMOTHY D. COLLINS USPTO EXAMINER US DEPARTMENT OF COMMERCE US PATENT AND TRADEMARK OFFICE COMMISSIONER OF PATENTS AND TRADEMARKS WASHINGTON D.C. 20231</p>	<p>RECEIVED JUN 24 2002</p>
<p>2. Article Number</p> <p>7002 0510 0004 3017 1652</p> <p>(Transfer from service label)</p>	<p>3. USPS Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
PS Form 3811, August 2001	Domestic Return Receipt 102595-02-M-1035



**USPS Single-Piece First-Class Mail Rates effective on 15 June 2002.**[Home](#)[Mailers Companion](#)[Archived Articles](#)[December 2002 Articles](#)[January 2003 Articles](#)[February/March 2003](#)[Articles](#)[April 2003 Articles](#)[May 2003 Articles](#)[June 2003 Articles](#)[July 2003 Articles](#)[Request Mailers](#)[Companion](#)[Printer Friendly](#)**Mailers Companion**

April/May, 2002

**New Rates and Fees Effective June 30, 2002****Governors Approve Postal Rate Commission's Recommendation**

On April 8, 2002, the Governors of the Postal Service acted on the recommendations of the Postal Rate Commission and approved the changes in domestic rates, fees, and classifications proposed in the rate case settlement agreement. The Board of Governors has directed these changes become effective on June 30, 2002.

The following information is an overview of the R2001-1 changes organized by class of mail or special service category. Complete Domestic Mail Manual (DMM) changes and detailed information can be found in the *Federal Register* final rule at [www.usps.com/ratecase](http://www.usps.com/ratecase) and in the special May 9, 2002, *Postal Bulletin*.

**First-Class Mail Highlights**

First-Class Mail items are matter that is wholly or partially in handwriting or typewriting, or that has the character of actual and personal correspondence. Any matter eligible for mailing may, at the option of the mailer, be mailed using First-Class Mail service. First-Class Mail items are sealed against inspection and can include bills, statements of account, letters, and cards.

Overall, First-Class Mail rates will increase an average of 7.9 percent. The single-piece 1-ounce First-Class Mail rate will increase from \$0.34 to \$0.37, and the single-piece card rate from \$0.21 to \$0.23. The additional ounce rate for single-piece First-Class Mail will remain at \$0.23. There will be a lower additional ounce rate for Presorted and automation First-Class Mail.

Business mailers will get larger automation presort discounts. The carrier route automation discount and the nonautomation presort discount will remain at the current levels. The proposed increase in automation discounts and the proposed half-cent reduction in the "workshare" additional-ounce rate will result in more attractive workshare incentives, especially for large-volume First-Class Mail service users who presort and mail heavier pieces.

The presort mailing fee will increase from \$125 to \$150.

**Lower Additional Ounce Rate for Presorted and Automation Rates**

Keyword/Search	
keyword	search

**ENCLOSURE 4**

**Calculation of USPS First Class Postage for Our 15 July 2002 Mailing to the USPTO, Which Was Received by the USPTO on 24 June 2002.**

The total weight of the package was between 12 ounces and 13 ounces.

<b>Component of Weight of Package</b>	<b>Rate per Ounce</b>	<b>Calculation of Postage</b>	<b>USPS Single-Piece First-Class Postage</b>
First ounce	\$0.34*	1 x \$0.34	\$0.34
Additional 11-ounces to 12-ounces	\$0.23*	12 x \$0.23	\$2.76
<b>Total</b>	N/A	\$0.34 + \$2.76	<b>\$3.10</b>

\* Single-piece 1-ounce First-Class Mail rate on 15 June 2002 \$0.34

\*\* Additional ounce rate for single-piece First-Class Mail on 15 June 2002 \$0.23

**ENCLOSURE 5**

**A breakdown of the nominal 12.1-ounce weight of our 15 July 2002 mailing to the USPTO that was received by the USPTO on 24 June 2002.**

<b>Component Materials of Package</b>	<b>Weight (Ounces)</b>
51 sheets of US-letter sized 20-lb. (basis weight) bond paper	8.2
9 (nine) card tab-dividers	2.6
a spring clip, plus ties, plus a check for extension of time to respond to the Examiner, plus a 10" x 13" envelope, plus labels, plus stamps	1.3
<b>Total Weight</b>	<b>12.1</b>

**JPL Section of telephone call log for calls made from telephone number 818 393 7179 of Mr. P. Kaskiewicz at Jet Propulsion Laboratory between 1 July 2002 and 9 July 2002. The telephone call log was prepared by Pacific Bell and provided by Sandra Edwards, Manager, Communications Dept., Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California.**

Jet Propulsion Laboratory

**Query**  
07/01/02 - 07/31/02

Extension	Department	Date	Day	Time	Duration	Cost (\$)	Dialed Number
83937179	ZZZ	07/01	Mon	9:16	0:06	0.10	2122447717
83937179	ZZZ	07/01	Mon	9:16	3:10	3.17	2122447704
83937179	ZZZ	07/01	Mon	10:11	1:03	1.05	3106453746
83937179	ZZZ	07/01	Mon	10:13	0:04	0.07	6269129071
83937179	ZZZ	07/01	Mon	10:13	1:57	1.95	3106453746
83937179	ZZZ	07/01	Mon	13:13	17:47	17.78	8004444015
83937179	ZZZ	07/01	Mon	15:22	11:09	11.15	2154827705
83937179	ZZZ	07/01	Mon	16:49	6:40	6.67	2154827705
83937179	ZZZ	07/01	Mon	19:09	34:19	34.32	2154827705
83937179	ZZZ	07/02	Tue	8:49	10:02	10.03	7033050246
83937179	ZZZ	07/02	Tue	9:35	18:55	18.92	8004626678
83937179	ZZZ	07/02	Tue	10:34	1:26	1.43	8007328660
83937179	ZZZ	07/02	Tue	16:10	1:42	1.70	3039717231
83937179	ZZZ	07/02	Tue	16:30	4:27	4.45	2154827705
83937179	ZZZ	07/02	Tue	16:52	3:38	3.63	8002222808
83937179	ZZZ	07/02	Tue	18:40	1:10	1.17	2154827705
83937179	ZZZ	07/03	Wed	8:00	2:20	2.33	8007328660
83937179	ZZZ	07/03	Wed	16:54	0:53	0.88	6263555072
83937179	ZZZ	07/03	Wed	18:47	0:06	0.10	2154827705
83937179	ZZZ	07/05	Fri	13:34	0:49	0.82	4087564737
83937179	ZZZ	07/05	Fri	13:36	1:32	1.53	6263555370
83937179	ZZZ	07/05	Fri	13:38	0:58	0.97	6263555072
83937179	ZZZ	07/05	Fri	14:01	2:20	2.33	8007543502
83937179	ZZZ	07/05	Fri	14:09	0:09	0.15	2154827705
83937179	ZZZ	07/05	Fri	15:11	0:10	0.17	6263555072
83937179	ZZZ	07/05	Fri	15:46	4:26	4.43	6263555072
83937179	ZZZ	07/05	Fri	15:50	4:48	4.80	6263572264
83937179	ZZZ	07/05	Fri	16:57	0:06	0.10	6263555370
83937179	ZZZ	07/08	Mon	8:24	7:05	7.08	8003289438
83937179	ZZZ	07/08	Mon	9:20	5:11	5.18	8005396275
83937179	ZZZ	07/08	Mon	9:26	0:05	0.08	8002222808
83937179	ZZZ	07/08	Mon	9:26	0:50	0.83	8002222808
83937179	ZZZ	07/08	Mon	10:09	1:16	1.27	6503694300
83937179	ZZZ	07/08	Mon	10:30	0:03	0.05	8883911003
83937179	ZZZ	07/08	Mon	10:31	6:21	6.35	8883911006
83937179	ZZZ	07/08	Mon	11:12	0:20	0.33	6263555175
83937179	ZZZ	07/08	Mon	11:17	1:01	1.02	9095857063
83937179	ZZZ	07/08	Mon	11:29	1:13	1.22	6093970795
83937179	ZZZ	07/08	Mon	14:36	23:13	23.22	8186484852
83937179	ZZZ	07/08	Mon	15:14	9:02	9.03	6263555072
83937179	ZZZ	07/08	Mon	15:28	2:53	2.88	6263555370
83937179	ZZZ	07/08	Mon	17:24	0:08	0.13	6263555370
83937179	ZZZ	07/08	Mon	17:26	0:23	0.38	6264468806
83937179	ZZZ	07/08	Mon	17:30	0:11	0.18	6264468806
83937179	ZZZ	07/08	Mon	17:32	1:22	1.37	6265551212
83937179	ZZZ	07/08	Mon	17:34	1:23	1.38	6265740702
83937179	ZZZ	07/08	Mon	17:37	0:16	0.27	6265740702
83937179	ZZZ	07/08	Mon	17:58	0:04	0.07	6093970795
83937179	ZZZ	07/08	Mon	20:01	0:57	0.95	6267984056
83937179	ZZZ	07/08	Mon	20:03	1:54	1.90	6267948517
83937179	ZZZ	07/08	Mon	20:08	0:36	0.60	8183824751
83937179	ZZZ	07/08	Mon	20:09	4:01	4.02	6263981988
83937179	ZZZ	07/08	Mon	20:15	0:00	0.00	6263555370
83937179	ZZZ	07/09	Tue	8:15	0:41	0.68	9094839774

Copies of note dated 4 August 2003 and photocopies of our check no. 907097 as faxed to Ms. Carolyn Cofer, Legal Estimate Examiner, at 703 305 7658 on 4 August 2003 and sent via USPS certified mail to same on 9 August 2003.

## **FAX COVER SHEET**

TO	Carolyn Cofer
COMPANY	USPTO
FAX NUMBER	17033057658
FROM	Fax .
DATE	2003-08-04
RE	Re Appln No. 09/673559 - \$255 check for extension of time to respond to Examiner

### **COVER MESSAGE**

Dear Ms Cofer

You stated by phone last week that the file for the subject application contains no record of the USPTO having deposited our check for \$255, which we sent to the USPTO by USPS certified mail on 15 June 2002.

Therefore, as discussed with you last week, I am sending this fax to provide the USPTO with copies of both sides of the check - showing that the USPTO did deposit the check, which cleared on 5 July 2002.

Additionally, we have the "Domestic Return Receipt" from the certified mailing, bearing the stamp of the USPTO for 24 June 2002. (Please note that we have previously provided a copy of the domestic return receipt to the Petitions Department of the USPTO - as "Enclosure/Attachment 3 (i) of our letter to the Petitions Department dated 24 October 2002.; and therefore I am not including a further copy in the current transmission.

On 1 July 2002 you left me a voice message concerning the \$255 check. On 2 July 2002, I returned your call, and you then:

- 1) informed me that you had in your hands the \$255 check together with our response to the Examiner dated 12 June 2002.
- 2) positively identified for me the response to the Examiner by means of its date of 12 June 2002, and by its multiple tab dividers, and by its approximate thickness of 1/3 inch.

Copies of note dated 4 August 2003 and photocopies of our check no. 907097 as faxed to Ms. Carolyn Cofer, Legal Estimate Examiner, at 703 305 7658 on 4 August 2003 and sent via USPS certified mail to same on 9 August 2003.

3) stated that because we had responded to the Examiner within 2 months of the due date, the late fee would be only \$200, and that accordingly you would be refunding \$55 to us.

4) that you would next forward the "response to the Examiner" (dated 12 June 2002) to the Examiner.

Would you, therefore, please respond providing USPTO records concerning the foregoing and what happened next to  
(i) the \$255 check,  
(ii) the refund for our having responded within 2 months of the due date, and  
(iii) "our response to the Examiner"  
a.s.a.p., please?

Our mailing address is:

Turbosat  
P.O. Box 822  
Princeton Junction  
NJ 08550


Also, please call:  
Tel: 818 393 7179;  
Fax: 775 254 5159

Yours sincerely  
Paul Kaskiewicz  
for the Applicants

Copies of note dated 4 August 2003 and photocopies of our check no. 907097 as faxed to Ms. Carolyn Cofer, Legal Estimate Examiner, at 703 305 7658 on 4 August 2003 and sent via USPS certified mail to same on 9 August 2003.

7/31/2003 9:02 AM

BEST AVAILABLE COPY

5245 North Blvd. - P.O. Box 11001 La Jolla Village CA 92032-6001 (800) 532-3328 - Main (618) 952-4444 JPL (618) 354-3290 - Campus (626) 395-4300		<b>Check No. 907097</b> BANK OF AMERICA CUSTOMER SERVICE CENTER 275 EXETER VALLEYWAY BRSA, CA 92001 18-06-1223 06/14/02
50 HUNDRED FIFTY-FIVE AND 00/100 DOLLARS		\$255.00 VOID AFTER 90 DAYS CALTECH EMPLOYEES FEDERAL CREDIT UNION
US PATENT & TRADE MARK OFFICE FROM: PAUL KASKIEWICZ APPLICATION # 09/673 559		 AUTHORIZED SIGNATURE
⑈907097⑈ ⑆122000661⑆ 1257201752⑈		⑈0000025500⑈
⑈907097⑈ ⑆122000661⑆ 1257201752⑈		⑈0000025500⑈

110000 HUNDRED PRIME SELECT 0500-0077-0 000134 07-02 0404 000001 03 000001 01 000001 01	0070 11745
00302268 4558 02	0070 11745

CDVolid/CIMSKey  
20020731564701

Account  
1257201752

Serial Number  
907097

Amount  
\$255.00

Bank ID  
12200066

Sequence  
8060302268

Location  
CD

Paid Date  
07/05/2002

Customer Data

985908060302268

## **ENCLOSURE 8**

### **Chronological sequence of events.**

16 January 2002	USPTO mails a non-final Office action from Examiner Mr. Timothy D. Collins to the Applicants.
12 June 2002	Applicants complete their response to the Office action.
15 June 2002	Applicants mail their response to Examiner Collins via USPS certified mail along with their check no. 907097 for extension of time to respond.
24 June 2002	Receiving Dept at USPTO date stamps the Domestic Return Receipt.
1 July 2002	Ms. Carolyn Cofer, Legal Estimate Examiner, USPTO, leaves Mr. Paul Kaskiewicz (Applicants' representative) a voice message.
2 July 2002	Mr. Kaskiewicz makes a return call to Ms. Cofer. Ms. Cofer: (a) confirms that the USPTO has received (i) the Applicants' response to the Examiner within 2 months of the response-due date, and (ii) the Applicants' check no. 907097 for \$255; and (b) informs Mr. Kaskiewicz that the late-fee due is only \$200; and that consequently the check no. 907097 is \$55 in excess of the late-fee due; and that she will refund \$55.
5 July 2002	The banks clear the Applicants' check no. 907097, which had been cashed by the USPTO.
27 August 2002	USPTO mails a Notice of Abandonment to the Applicants.
26 October 2002	Applicants mail their "Petition to Withdraw Holding of Abandonment" together with a duplicate of their response to the Examiner dated 12 June 2002.
12 June 2003	USPTO mails a denial of Applicants' Petition to Withdraw Holding of Abandonment
11 July 2003	Applicants fax to USPTO an acknowledgement of receipt of the denial of petition plus a plan to respond plus the reason for an unavoidable slight delay in their response.
12 August 2003	Applicants fax to USPTO their response to the denial of petition.